(13)

IN THE HIGH COURT OF JUDICATURE AT JABALPUR

PETITION UNDER ARTICLE 226 READ WITH 227 OF THE CONSTITUTION OF INDIA

W.P. No. 5552 / 2000

PETITIONER : Amarjeet Tripathi, Aged about 49 years, Son of Shri Ramadhar Tripathi By Occupation : Service T.A.-I Food Corporation of India, in the Office of District Manager, Food Corporation of India, Resident of B-68, Kawita Nagar, Raipur

VERSUS

RESPONDENT : 1. The Food Corporation of India, Through: Senior Regional Manager Food Corporation of India, Bhopal

2. Shri Kuldeep S. Sethi, Senior Regional Manager, Food Corporation of India Regional Office Bhopal

DETAILS OF THE PETITION

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

(99)

मामला क्रमांक W.P.NO. 5552/2000 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	26.2.2001 : Mr. J.D.Bajpai for the petitioner Dr.Shukla,Learned Dy.AG for the respondents, Heard. While serving as technical assistant the writ petitioner came to be suspended on 28.7.2000 by the Senior Regional Manager. Subsequently a criminal case also came to be registered at Raipur and investigation is still on. The departmental proceedings are going on against the writ petitioner at Jabalpur. According to Mr.Bajpai ,learned counsel for the writ petitioner, there is no prima-facie case to proceed against the writ petitioner. This submission is made with reference to document R-1 issued by the Joint Manager (Operation) to the District Manager,Food Corporation of India. The further submission of Mr.Bajpai is that the writ petitioner is a technical assistant and is not involved in the transaction or loss of money alleged in the letter amounting to Rs. 2,38,386-40 paise. The contention of of the writ petitioner is that there is conspiracy against the petitioner to harass as he refused to give ~~the~~ bribe when demanded by the inquiry officer.	

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित ..2..	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

On the other hand, Mr.Gupta, referring to the first para of the same document wherein it has been pointed-out that in view of the nature of work of Technical Assistant, it can not be said prima facie that no inquiry can be initiated against the writ petitioner.

Mr.Bajpai's submission at this stage, is that writ petitioner is ready and willing to co-operate with the proceedings, and the order of suspension should be revoked enabling the petitioner to move about without any hindrances. Mr.Gupta submits that since the charge sheet has already been submitted, the inquiry should be allowed to be concluded and at this stage this Court should not interfere in the proceedings in as much as to do so, it would not be in the interest of justice.

Mr.Bajpai further submits that the writ petitioner has not been paid the subsistance allowance from the date of order ofsuspension i.e. 28.7.2000 to 18.11.2000, the date on which he joined at Jabalpur from Raipur. Payment of subsistence allowance should come within the purview of the rules prescribed in this regard in case of suspension of an employee. Therefore, if the rule so permits, the payment of subsistence allowance should have been made to the writ petitioner. In order to enable an employee to have some means for livelihood, subsistence

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

allowance should be ~~ka~~ allowed.

In view of the facts and circumstances as I have stated above and upon hearingthe counsel for the parties, I am of the opinion that it would be just and fair if the petition is disposed of as follows :-

i) The inquiry ~~as~~ which has been initiated against the writ petitioner shall be concluded within a period of five months. This however shall be subject to the co-operation of the writ petitioner in the inquiry proceedings.

ii) The writ petitioner shall be paid subsistence allowance for the period from 28.7.2000 to 18.11.2k within a period of one month from the date of receipt of the order.

Sd/-
Chief Justice

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